



**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entities)**

Docket No.
006077-0028

In Re Application Of: **J. Mark DAVIS**

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|------------------|--------------------|--------------|----------------|------------------|
| 10/767,338 | January 30, 2004 | DONNELLY, JEROME W | 25269 | 3764 | 5224 |

Invention: **EXERCISE DEVICE**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **06/05/2006** finally rejecting Claim(s) **1**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☐

☒ Applicant claims small entity status. See 37 CFR 1.27

☐

The fee for this Notice of Appeal is: **\$250.00**

☐ A check in the amount of the fee is enclosed.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. **04-2223**

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **04-2223**.

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: **August 28, 2006**

Adesh Bhargava, Reg. No. 46,553

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

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DYKEMA GOSSETT PLLC

Third Floor West, Franklin Square
1300 I Street, NW
Washington, DC 20005-3306

THE PATENT AND TRADEMARK OFFICE OFFICIAL FILING DATE STAMP
HEREON IS ACKNOWLEDGMENT OF FILING:

1. NOTICE OF APPEAL

TITLE- EXERCISE DEVICE

Inventor: J. Mark DAVIS
Appln. Serial No.: 10/767,338
Filed: January 30, 2004

DOCKET No. 066077-0028

Date Filed: **August 28, 2006**